

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6947

BILL NUMBER: HB 1320

NOTE PREPARED: Jan 10, 2012

BILL AMENDED:

SUBJECT: Insanity Defense.

FIRST AUTHOR: Rep. DeLaney

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: This bill has the following provisions:

- A. It provides that at least one psychiatrist or psychologist must be appointed by a court to examine a defendant who raises the defense of insanity. (Current law requires that at least one psychiatrist must be appointed.)
- B. It provides a court-appointed psychiatrist, psychologist, or physician appointed to examine a defendant who raises the defense of insanity must have expertise in determining insanity.
- C. It corrects a reference to the State Psychology Board.

Effective Date: July 1, 2012.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: This bill only applies to cases where a defendant wishes to plead not guilty due to insanity. Courts report that they are experiencing trouble securing psychiatrists to evaluate criminal defendants who wish to plead insanity. As a result, criminal trials are delayed as courts must wait to be able to schedule a psychiatrist to examine the defendant. Consequently, criminal defendants are often detained in local jails until a psychiatrist is available. Depending on how often criminal defendants wish to plead not guilty for reason of insanity, this bill could reduce the time required to evaluate a defendant. More timely evaluations and trials could help to reduce the jail population awaiting trial.

Generally, forensic psychologists are paid between \$150 and \$200 per hour, while psychiatrists charge between \$250 and \$400 per hour.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Trial courts.

Information Sources: Thomas Felts, Allen Circuit Court; Steven Ross, PsyD, HSPP.

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